

To: Benjamin A. Costa(trademark@rcjlawgroup.com)
Subject: U.S. Trademark Application Serial No. 97870771 - STELLAR
Sent: January 27, 2024 10:47:43 PM EST
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Attachments

United States Patent and Trademark Office (USPTO)
Office Action (Official Letter) About Applicant's Trademark Application

U.S. Application Serial No. 97870771

Mark: STELLAR

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Applicant: Stellar Development Foundation

Reference/Docket No. N/A

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FINAL OFFICE ACTION

Response deadline. File a request for reconsideration of this final Office action and/or a timely appeal to the Trademark Trial and Appeal Board (TTAB) within three months of the “Issue date” below to avoid [abandonment](#) of the application. Review the Office action and respond using one of the links below to the appropriate electronic forms in the “How to respond” section below.

Request an extension. For a fee, applicant may [request one three-month extension](#) of the response deadline prior to filing a response and/or an appeal. The request must be filed within three months of the “Issue date” below. If the extension request is granted, the USPTO must receive applicant's response and/or appeal within six months of the “Issue date” to avoid abandonment of the application.

Issue date: January 27, 2024

This Office action is in response to applicant's communication filed on January 10, 2024.

SUMMARY OF ISSUES MADE FINAL:

- Recitation of Services

IDENTIFICATION OF SERVICES

The identification of services is indefinite and must be clarified because the exact nature of the services is unclear. See 37 C.F.R. §2.32(a)(6); TMEP §1402.01. Applicant may adopt the following identification, if accurate:

In Class 036, "...financial and digital asset issuance and management" requires clarification as the digital assets. "Digital assets include photos, manuscripts, documents, data, cryptocurrencies, and much more." See Attachment. For example, financial asset management is classified in Class 036, the term "digital assets issuance and management" is broadly defined enough to include commercial trading of digital goods in Class 035 and financial management of financial instruments in Class 036. The applicant must clarify and re-classify, if necessary. In addition, the applicant must clarify the type of "financial asset" and "digital assets" being issued, e.g., securities, credit cards, prepaid gift cards.

Similarly, "...managing financial and digital asset transaction, exchange, and payment transaction processing services" and "...trading...digital assets" require clarification as to the "digital asset(s)." The applicant must clarify and re-classify, if necessary as this term could include both currency, which is a Class 36 financial instrument and digital artwork authenticated by non-fungible tokens, e.g., Downloadable image files containing digital assets in the nature of digital artwork authenticated by non-fungible tokens (NFTs) in Class 009.

"Providing a website featuring technical information in the field of... facilitating digital asset issuance and transactions on a blockchain... creation, submission, transfer, and validation of digital asset transactions on a blockchain... trading...digital assets" also require clarification as the wording does not justify classification in Class 36 as the term "digital assets" includes non-financial items.

For example, "issuing" a digital asset is indefinite and could be in Class 042, e.g., computer programming services for creating goods authenticated by non-fungible tokens (NFTs) on a blockchain. "Transfer" of digital assets could be in Class 042 e.g., Software as a service (SAAS) services featuring software for use in the storage, archival, preservation, organization and transfer of digital assets through complex metadata capture and actions associated with such content.

International Class 036: Financial services facilitated by means of a decentralized blockchain protocol, namely, financial **management of digital assets, namely, {specify financial items} issuance and management**; financial services facilitated by means of a decentralized blockchain protocol, namely, ~~managing financial financial management~~ and digital asset **services, namely, {specify financial items, e.g, digital currency exchange services} transaction, exchange**, and payment transaction processing services; peer-to-peer financial services facilitated by means of a decentralized blockchain protocol, namely, ~~managing financial financial management~~ and digital asset **services, namely, {specify financial items, e.g, digital currency exchange services} transaction, exchange**, and payment transaction processing services; financial services consultancy in the nature of assisting third parties to integrate with decentralized blockchain payment verification services; charitable services' consultancy in the nature of financial consulting services in the field of planned giving for non-profit and charitable organizations; financial services consultancy in the nature of assisting third parties in designing, developing and implementing bulk disbursement and payment programs; providing financial grants to third parties for the development and integration of

services offered on decentralized blockchain protocols; providing a website and featuring information in the field of financial services facilitated by means of a decentralized blockchain protocol, namely, information regarding financial and digital asset transaction, exchange, and payment transaction processing services; financial services facilitated by means of a decentralized blockchain protocol, namely, trading cryptocurrency and digital assets, **namely, {specify financial items}**; providing a website featuring technical information in the field of financial management of digital assets, **namely, {specify financial items}** cryptocurrency networks, blockchains, and distributed ledgers; **providing a website featuring technical information in the field of facilitating digital asset, namely, {specify financial items} issuance—and transactions on a blockchain; providing a website featuring technical information in the field of creation, submission, transfer, and validation of digital asset, namely, {specify financial items} transactions on a blockchain;** providing a website featuring technical information in the field of payment transaction processing and electronic funds transfers; providing a website featuring technical information in the field of payment processing and electronic funds transfers for cryptocurrency and digital assets; providing a website featuring technical information in the field of trading cryptocurrency and **digital assets, namely, {specify financial items}**

In Class 038, the services listed as “Peer-to-peer network computer services, namely,...storage of financial and digital asset data via computer terminals, servers, nodes, and electronic devices...providing a website featuring technical information in the field of electronic data storage...providing a website featuring technical information in the field of...electronically storing cryptocurrency and digital assets” are mis-classified and should be in Class 042.

~~International Class 038: Peer-to-peer network computer services, namely, electronic transmission and storage of financial and digital asset data via computer terminals, servers, nodes, and electronic devices; transmission of financial and digital asset data by electronic communications networks; providing a website featuring technical information in the field of electronic data storage; providing a website featuring technical information in the field of sending, receiving, and electronically storing cryptocurrency and digital assets~~

The Class 042 wording “providing a website featuring technical information in the field of the software for payment processing and electronic funds transfers for cryptocurrency and digital assets...providing a website featuring technical information in the field of the software for developing, interacting with, and reading from smart contracts...providing a website featuring technical information in the field of the software for creating stored value accounts and digital wallets” is indefinite and overbroad and must be clarified. Information services are classified according to the service-related subject matter of the information service. See TMEP §1402.11(b). For proper classification, the subject matter of the technical information must be set forth so that it connects the content to a technical information service, e.g., technical information in the field of engineering (in Class 042), power generation (in Class 040). Because all information educates, characterizing it as educational is not enough to justify a Class 041 designation. Here, the subject matter of is too vague to justify classification in Class 042 and potentially identifies service-related subject matters in multiple classes.

Similarly, “providing a website featuring technical information in the field of sending, receiving, storing, and trading cryptocurrency and digital assets” is indefinite and overbroad and must be clarified. See TMEP §§1401.02(a), 1402.11(b). While technical information in the field of the storage of cryptocurrency would be in Class 042, the information about the trading of it would be in Class 036. For example, the technical information about “sending” and “receiving” digital assets could be in 036, 038, or 042. Please clarify the entire phrase and re-classify, if necessary. Also, as indicated

previously, the term “digital assets” is broad enough to include various types of goods, so the classification of technical information regarding them is unclear.

International Class 042: Computer programming and software design; computer software consultancy; consultancy in the field of software design; application service provider featuring application programming interface (API) software; providing temporary use of online non-downloadable software for financial management of digital assets, cryptocurrency networks, blockchains, and distributed ledgers; application service provider featuring application programming interface (API) software for financial management of digital assets, cryptocurrency networks, blockchains, and distributed ledgers; providing temporary use of online non-downloadable software for facilitating digital asset issuance and transactions on a blockchain; application service provider featuring application programming interface (API) software for facilitating digital asset issuance and transactions on a blockchain; providing temporary use of online non-downloadable software for enabling the creation, submission, transfer, and validation of digital asset transactions on a blockchain; application service provider featuring application programming interface (API) software for enabling the creation, submission, transfer, and validation of digital asset transactions on a blockchain; providing a website featuring technical information in the field of the submission, transmission, validation, storage, and retrieval of digital asset transaction data on a blockchain; providing temporary use of online non-downloadable software for the submission, transmission, validation, storage, and retrieval of digital asset transaction data on a blockchain; application service provider featuring application programming interface (API) software for the submission, transmission, validation, storage, and retrieval of digital asset transaction data on a blockchain; providing temporary use of online non-downloadable software for payment processing and electronic funds transfers; application service provider featuring application programming interface (API) software for payment processing and electronic funds transfers; providing a website featuring technical information in the field of the software **development for developing software** for payment processing and electronic funds transfers for cryptocurrency and digital assets; providing temporary use of online non-downloadable software for payment processing and electronic funds transfers for cryptocurrency and digital assets; application service provider featuring application programming interface (API) software for payment processing and electronic funds transfers for cryptocurrency and digital assets; providing a website featuring technical information in the field of the software **development for developing software** for developing, interacting with, and reading from smart contracts; providing temporary use of online non-downloadable software for developing, interacting with, and reading from smart contracts; application service provider featuring application programming interface (API) software for developing, interacting with, and reading from smart contracts; providing a website featuring technical information in the field of the software **development for developing software** for creating stored value accounts and digital wallets; providing temporary use of online non-downloadable software for creating stored value accounts and digital wallets; application service provider featuring application programming interface (API) software for creating stored value accounts and digital wallets; providing a website featuring technical information in the field of creating graphical user interfaces and applications built on or to interact with a blockchain network; providing temporary use of online non-downloadable software for creating graphical user interfaces and applications built on or to interact with a blockchain network; application service provider featuring application programming interface (API) software for creating graphical user interfaces and applications built on or to interact with a blockchain network; providing temporary use of online non-downloadable software for electronic data storage; application service provider featuring application programming interface (API) software for electronic data storage; providing temporary use of online non-downloadable software for sending, receiving, storing, and trading cryptocurrency and digital assets; application service provider featuring application programming interface (API) software for sending, receiving, storing, and trading cryptocurrency and digital assets; providing temporary use

of non-downloadable web-based decentralized applications (DApps) for financial and digital asset issuance and management, managing financial and digital asset transaction, exchange, and payment transaction processing services, trading cryptocurrency and digital assets, and storage and management of digital assets, for graphical user interfaces and applications built on or to interact with a blockchain network; application service provider featuring application programming interface (API) software for creating graphical user interfaces and applications built on or to interact with a blockchain network; providing a website featuring technical information in the field of electronic data storage; providing temporary use of online non-downloadable software for electronic data storage; application service provider featuring application programming interface (API) software for electronic data storage; providing a website featuring technical information in the field of **software development for developing software** for sending, receiving, storing, and trading cryptocurrency and digital assets, **namely, {specify}**; providing temporary use of online non-downloadable software for sending, receiving, storing, and trading cryptocurrency and digital assets; application service provider featuring application programming interface (API) software for sending, receiving, storing, and trading cryptocurrency and digital assets; providing temporary use of non-downloadable web-based decentralized applications (DApps) for financial and digital asset issuance and management, managing financial and digital asset transaction, exchange, and payment transaction processing services, trading cryptocurrency and digital assets, and storage and management of digital assets; **Peer-to-peer network computer services, namely, electronic transmission and storage of financial and digital asset data via computer terminals, servers, nodes, and electronic devices; providing a website featuring technical information in the field of electronic data storage; providing a website featuring technical information in the field of sending, receiving, and electronically storing cryptocurrency and digital assets**

Applicant should note that the bolded language above is to indicate the examining attorney's suggestions. Applicant need not amend its identification other than where specified.

Scope advisory. Applicant may amend the identification to clarify or limit the goods and/or services, but not to broaden or expand the goods and/or services beyond those in the original application or as acceptably amended. See 37 C.F.R. §2.71(a); TMEP §1402.06. Generally, any deleted goods and/or services may not later be reinserted. See TMEP §1402.07(e). For assistance with identifying and classifying goods and services in trademark applications, please see the USPTO's online searchable [U.S. Acceptable Identification of Goods and Services Manual](#). See TMEP §1402.04.

RESPONSES

Please call or email the assigned trademark examining attorney with questions about this Office action. Although an examining attorney cannot provide legal advice, the examining attorney can provide additional explanation about the refusal(s) and/or requirement(s) in this Office action. *See* TMEP §§705.02, 709.06.

The USPTO does not accept emails as responses to Office actions; however, emails can be used for informal communications and are included in the application record. *See* 37 C.F.R. §§2.62(c), 2.191; TMEP §§304.01-.02, 709.04-.05.

How to respond. File a [request form for reconsideration of this final Office action](#) that fully resolves all outstanding requirements and/or refusals and/or file a timely [appeal form to the Trademark Trial and Appeal Board](#) with the required fee(s). Alternatively, applicant may file a

[request form for an extension of time to file a response](#) for a fee.

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RESPONSE GUIDANCE

- **Missing the deadline for responding to this letter will cause the application to [abandon](#).** A response, appeal, or extension request must be received by the USPTO on or before 11:59 p.m. **Eastern Time** of the last day of the response deadline. Trademark Electronic Application System (TEAS) and Electronic System for Trademark Trials and Appeals (ESTTA) [system availability](#) could affect an applicant's ability to timely respond. For help resolving technical issues with TEAS, email TEAS@uspto.gov.
- **[Responses signed by an unauthorized party](#)** are not accepted and can **cause the application to [abandon](#)**. If applicant does not have an attorney, the response must be signed by the individual applicant, all joint applicants, or someone with [legal authority to bind a juristic applicant](#). If applicant has an attorney, the response must be signed by the attorney.
- If needed, **find [contact information for the supervisor](#)** of the office or unit listed in the signature block.

United States Patent and Trademark Office (USPTO)

USPTO OFFICIAL NOTICE

Office Action (Official Letter) has issued
on January 27, 2024 for
U.S. Trademark Application Serial No. 97870771

A USPTO examining attorney has reviewed your trademark application and issued an Office action. You must respond to this Office action to avoid your application abandoning. Follow the steps below.

- (1) **[Read the Office action](#)**. This email is NOT the Office action.
- (2) **Respond to the Office action by the deadline** using the Trademark Electronic Application System (TEAS) or the Electronic System for Trademark Trials and Appeals (ESTTA), as appropriate. Your response and/or appeal must be received by the USPTO on or before 11:59 p.m. **Eastern Time** of the last day of the response deadline. Otherwise, your application will be **[abandoned](#)**. See the Office action itself regarding how to respond.
- (3) **Direct general questions** about using USPTO electronic forms, the USPTO [website](#), the application process, the status of your application, and whether there are outstanding deadlines to the [Trademark Assistance Center \(TAC\)](#).

After reading the Office action, address any question(s) regarding the specific content to the USPTO examining attorney identified in the Office action.

GENERAL GUIDANCE

- **[Check the status](#) of your application periodically** in the [Trademark Status & Document Retrieval \(TSDR\)](#) database to avoid missing critical deadlines.
- **[Update your correspondence email address](#)** to ensure you receive important USPTO notices about your application.
- **[Beware of trademark-related scams](#)**. Protect yourself from people and companies that may try to take financial advantage of you. Private companies may call you and pretend to be the USPTO or may send you communications that resemble official USPTO documents to trick you. We will never request your credit card number or social security number over the phone. Verify the correspondence originated from us by using your serial number in our database, [TSDR](#), to confirm that it appears under the “Documents” tab, or contact the [Trademark Assistance Center](#).

- **Hiring a U.S.-licensed attorney.** If you do not have an attorney and are not required to have one under the trademark rules, we encourage you to hire a U.S.-licensed attorney specializing in trademark law to help guide you through the registration process. The USPTO examining attorney is not your attorney and cannot give you legal advice, but rather works for and represents the USPTO in trademark matters.